

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application respectfully requested in view of the remarks herewith, which place the application in condition for allowance.

### **I. Status Of Claims And Formal Matters**

Claims 1-17 are pending in this application. Claims 1, 5-7 and 11-17 have been cancelled without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. Applicants reserve the right to pursue the subject matter of the cancelled claims in continuation applications. Claims 2-4 and 8-10 have been rewritten as independent claims and amended to overcome rejections and objections set forth in the Office Action. No new matter has been added.

The Examiner is thanked for indicating that claims 1-17 are free of the prior art. The Examiner is also thanked for indicating that claims 3 and 9 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action. The Examiner is also thanked for indicating that claims 2, 4, 8 and 10 would be allowable if rewritten to overcome the objections set forth in the Office Action.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. The Objections to the Specification Are Overcome**

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. The terms “operably linked” and “dendritic cell-specific promoter” in claim 14 are allegedly not used in the specification.

Claim 14 has been cancelled, thereby rendering the objection moot.

Reconsideration and withdrawal of the objections to the specification are respectfully requested.

### **III. The Objections to the Claims Are Overcome**

Claims 2-4 and 8-10 were objected to because claims 2 and 8 allegedly improperly recite a Markush group and claims 3, 4, 9 and 10 recite “the carboxy terminal” instead of “the carboxy terminus”.

In response, claims 2-4 and 8-10 have been clarified as suggested by the Examiner, thereby obviating the objection.

Reconsideration and withdrawal of the objections to the claims are respectfully requested.

**IV. The Rejections Under 35 U.S.C. §112, First Paragraph, Are Overcome**

Claim 14 was rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 14 has been cancelled, thereby rendering the rejection moot.

Claims 15 and 16 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Claims 15 and 16 have been cancelled, thereby rendering the rejections moot.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, are respectfully requested.

**V. The Rejections Under 35 U.S.C. §112, Second Paragraph, Are Overcome**

Claims 3 and 9 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is allegedly insufficient antecedent basis for the limitation of “the HI loop” in the claims.

In response, claims 3 and 9 have been amended to recite “an HI loop” thereby obviating the rejection. Furthermore, Applicants respectfully point out that an HI loop is inherent in a fiber protein. For example, paragraph 34 of the specification as filed recites “[t]o date, the carboxy terminus and the HI loop within the fiber knob domain have been identified as favoring incorporation of heterologous peptide sequences” (emphasis added). Paragraph 46 of the specification as originally filed also recites “[t]he genes encoding the fiber-zipper proteins were assembled in the pVS1 and pVS2 mammalian expression vectors which have been designed to facilitate the generation of genes encoding fiber proteins modified at the carboxy terminus or within the HI loop, respectively” (emphasis added).

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

**REQUEST FOR INTERVIEW**

If any issue remains as an impediment to allowance, a further interview with the Examiner and SPE are respectfully requested; and, the Office Action is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

In view of the remarks herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

Deborah L. Lu  
Thomas J. Kowalski  
Reg. No. 32,147  
Deborah L. Lu  
Reg. No. 50,940  
Tel. No. (212) 588-0800  
Fax No. (212) 588-0500